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TO : Alysia Berman, Examiner – Art Unit 1615
COMPANY : United States Patent and Trademark Office
FAX No. : 703-308-7922/
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FROM : Timothy H. Van Dyke
DATE : January 26, 2001
RE : **Docket No: TB-101**
Serial No: 08/816,079; Filed: 3/13/1997
"Bone Paste"
(Wironen *et al.*)

Please deliver to Examiner Berman immediately. Thank you.

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Timothy H. Van Dyke, Patent Attorney

SUPPLEMENTARY AMENDMENT
Examining Group 1615
Patent Application
Docket No. TB-101
Serial No. 08/816,079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Alysia Berman
Art Unit : 1615
Applicants : Wironen *et al.*
Serial No. : 08/816,079
Docket No. : TB-101
Filed : 3/13/1997
For : Bone Paste

Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTARY AMENDMENT

In further support of the arguments presented in Applicants' Response mailed November 22, 2000, and as referred to therein, Applicants enclose herewith an expert declaration under 35 USC §1.132 from Dr. John Wironen. The declaration demonstrates objective indicators of nonobviousness, including commercial success, failures of others, and unexpected superiority over other products. Furthermore, Applicants assert that the statements provided by Dr. Wironen further clarify issues of record, and support Applicants' contention that the bone paste compositions and methods of using bone paste compositions, as claimed, represent a novel and nonobvious invention in view of the cited art. Accordingly, Applicants urge that the currently pending claims are in a condition for allowance, and respectfully request that a Notice of Allowance be issued.

Applicant invites the Examiner to call the undersigned if clarification is needed on any aspect of this response, or if the Examiner believes a telephonic or in-person interview

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would expedite the prosecution of the subject application to completion. Applicants specifically request for another in-person interview if it is believed that any claims in this case are not in condition for allowance and cannot be placed in condition for allowance through a telephonic interview.

Respectfully submitted,



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